

## REMARKS

This is a full and timely response to the Final Office Action mailed on September 21, 2005. Reconsideration and allowance of the Application and presently pending claims are respectfully requested. Applicants should not be presumed to agree with any statements made in the Office Action regarding the rejections and objections made in the Office Action unless otherwise specifically indicated by Applicants.

### I. Claim of Priority

Applicants are not addressing the validity of all assertions made in the Office Action regarding the priority of this Application. Therefore, Applicants should be not presumed to agree with any statements made in the Office Action regarding the priority of the Application unless otherwise specifically indicated by Applicants.

### II. Response to Claim Rejections under 35 USC § 103

Claims 77, 78, 80, 82-87, 89-101, 110-113, and 115-121 stand rejected under 35 USC § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,628,302 to *White, et al.* in view of U.S. Patent No. 6,289,346 to *Milewski, et al.* Claim 114 stand rejected under 35 USC § 103(a) as being allegedly unpatentable over *White* in view of *Milewski*, and in further view of U.S. Patent No. 6,614,988 to *Sampsell*.

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the reference must suggest all features of the claims to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

Claim 80, as amended, recites:

80. A method implemented by a television set-top terminal (STT) coupled via a bi-directional communication network to a server located remotely from the STT in a cable television headend, said method comprising steps of:
  - receiving via a tuner in the STT a video presentation provided by the server located in the cable television headend, wherein the video presentation is a *video-on-demand presentation*;

outputting by the STT at least a portion of the video presentation as  
a video-on-demand television signal;  
receiving a first user input associated with bookmarking a visual  
scene contained in the video presentation, including  
*receiving a character sequence to be assigned to the  
visual scene while the video presentation is being  
presented to the user;*  
*storing information related to the visual scene in a memory of the  
STT responsive to receiving the first user input, including  
storing only in the memory of the STT information  
related to the visual scene in response to receiving the  
first user input, including storing only in the memory of  
the STT data corresponding to the character sequence in  
response to receiving the user input configured to assign  
the character sequence to the visual scene;*  
outputting by the STT at least another portion of the video  
presentation as a video-on-demand television signal;  
receiving a second user input configured to request the visual scene  
in the video presentation after the STT has output the at  
least another portion of the video presentation; and  
*outputting by the STT a video-on-demand television signal  
comprising a portion of the video presentation starting  
from a location corresponding to the visual scene  
responsive to the second user input, wherein the location  
corresponding to the visual scene is identified by the STT  
using the information related to the visual scene,  
including using information related to the visual scene  
stored only in the STT.*

*(Emphasis Added)*

Applicants submit that neither *White* nor *Milewski* teach the elements emphasized above.

Furthermore, Applicants contend that video-on-demand presentations are understood by those skilled in the art to be distinct from regularly broadcast presentations. For example, among other reasons, video-on-demand presentations are understood to typically provide some sort of control to a viewer to stop a video-on-demand presentation. In view of that stopping control provided in video-on-demand presentations, Applicants submit that it would not be obvious to provide the claimed combination for a video-on-demand presentation of *receiving a character sequence to be assigned to the visual scene while the video presentation is being presented to the user*, and subsequently *storing only in the memory of the STT data corresponding to the character sequence* and *outputting by the STT a video-on-demand television signal comprising a portion of the video presentation starting from a location corresponding to the visual scene*. Consequently, Applicants contend that claim 80 and those claims depending therefrom are allowable over the cited references.

Claim 96, as amended, recites:

96. A television set-top terminal (STT) coupled via a bi-directional communication network to a server located remotely from the STT in a cable television headend, said STT comprising:

- a tuner configured to receive a motion video presentation provided by the server located in the cable television headend, wherein the video presentation is a video-on-demand presentation;
- a memory; and
- a processor that is programmed to enable the STT to,
  - output at least a portion of the motion video presentation as a *video-on-demand* television signal,
  - store information related to a visual scene contained in the motion video presentation only in the memory of the STT responsive to the STT receiving a first user input associated with the visual scene, without*

*stopping output of the motion video presentation, wherein the first user input includes a character sequence to be assigned to the visual scene, and wherein the information related to the visual scene includes data corresponding to the character sequence,*

output at least another portion of the motion video presentation as a video-on-demand television signal, and

*output responsive to the STT receiving a second user input a video-on-demand television signal comprising a portion of the motion video presentation starting from a location corresponding to the visual scene, including using information related to the visual scene stored only the memory of the STT, wherein the video-on-demand television signal comprising the portion of the motion video presentation starting from a location corresponding to the visual scene is output after the at least another portion of the motion video presentation is output as a video-on-demand television signal.*

*(Emphasis Added)*

Applicants submit that neither *White* nor *Milewski* teach the elements emphasized above. Consequently, Applicants contend that claim 96 and those claims depending therefrom are allowable over the cited references.

Applicants also contend that newly added claim 122 is allowable over the cited references. Among other reasons, claim 122 includes, among other elements, the following elements that are not found in any of the cited references:

...

*stopping output of the video-on-demand presentation responsive to receiving user input associated with stopping the video-on-demand presentation at a location in the video-on-demand presentation;*  
*accessing a data structure containing pre-assigned bookmark names for various locations in the video-on-demand presentation;*  
*presenting to the user a plurality of selectable bookmark name options, including a default bookmark name option based upon the location in the video-on-demand presentation at which output of the video-on-demand presentation is stopped;*

...

*(emphasis added)*

### III. Official Notice and Well-known Art

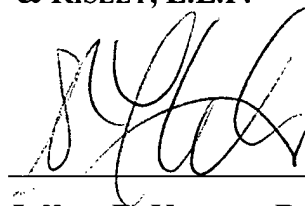
Applicants continue to respectfully traverse all statements of Official Notice and well-known art. While one or more supports for such statements may have been suggested, Applicants do not admit that such supports provide sufficient proof to render such statements capable of instant and unquestionable demonstration as being well-known. For at least the reasons that all of the statements concern complex technological combinations that are too detailed and specific in their nature to be considered well-known, Applicants continue to traverse the statements.

### **CONCLUSION**

Applicants respectfully submit that the currently pending claims 80, 82, 83, 85, 86 90 – 101, and 122 are in condition for allowance. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present.

Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

A handwritten signature in black ink, appearing to read 'JKuester', is written over a horizontal line.

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